



CERTIFICATE OF MAILING

I hereby certify that on 3/24/05, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in accordance with 37 C.F.R. § 1.8(a) with sufficient postage in an envelope addressed to: Mail Stop Petition, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

Maria Nadal  
Maria Nadal

PATENT

Applicant: James C. Peacock III  
Serial No.: 10/724,453  
Filed: 11/28/2003  
Title: MEDICAL DEVICES WITH POROUS SURFACE CONTAINING BIOERODABLE BIOACTIVE COMPOSITES AND RELATED METHODS  
Art Unit: 3731  
Atty Docket No.: 51298-00007 (formerly MDC-P-007A)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PETITION TO MAKE SPECIAL FOR APPLICATIONS RELATING TO BIOTECHNOLOGY FILED BY  
APPLICANTS WHO ARE SMALL ENTITIES UNDER 37 CRF 1.17(h)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

Applicant hereby petitions to make this application special because a small entity status has been established, and the subject of the patent application is related to biotechnology and is a major asset of the small entity. The development of the technology will be significantly impaired if examination of the patent application is delayed.

The accompanying ☐ affidavit ☒ declaration by the

☐ applicant

☒ applicant's practitioner

explains establishment of small entity and the development of the technology will be significantly impaired if examination of the patent application is delayed.

The Commissioner is authorized to charge \$130 or any fee which may be required in connection with this Petition to deposit account No. 50-3207.

03/29/2005 HALI11 00000023 503207 10724453

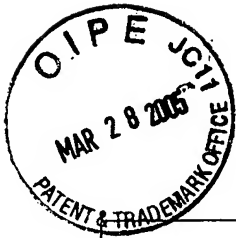
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Dated 3/24/05

Respectfully submitted,

Louis C. Cullman  
Louis C. Cullman, Reg. No. 39,645  
Customer No. 48,423

PRESTON GATES & ELLIS LLP  
1900 Main Street, Suite 600  
Irvine, California 92614-7319  
Telephone: (949) 253-0900  
Facsimile: (949) 253-0902



**PATENT**

**CERTIFICATE OF MAILING**

I hereby certify that on 3/24/05, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as Express Mail in accordance with 37 C.F.R. § 1.8(a) with sufficient postage in an envelope addressed to: Mail Stop Petition, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

*Maria Nadal*

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Applicant: James C. Peacock III  
Serial No.: 10/724,453  
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Title: MEDICAL DEVICES WITH POROUS  
SURFACE CONTAINING  
BIOERODABLE BIOACTIVE  
COMPOSITES AND RELATED  
METHODS

Art Unit: 3731  
Atty Docket No.: 51298-00007 (formerly MDC-P-007A)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**DECLARATION OF LOUIS C. CULLMAN**

**REGARDING PETITION TO MAKE SPECIAL FOR APPLICATIONS RELATING TO BIOTECHNOLOGY  
FILED BY APPLICANTS WHO ARE SMALL ENTITIES UNDER 37 CFR 1.17(h)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. I, Louis C. Cullman, am an intellectual property attorney with the firm of Preston Gates & Ellis LLP. I have been Medlogics Device Corporation's attorney since January 1, 2003.

2. The Applicant respectfully requests that this Petition to Make Special be granted based on the significant improvement in patient therapy that will result from the biologically active agent-eluting medical devices disclosed in this invention's compositions and associated methods. Examples of biologically active agents include cytostatic compounds, cytotoxic compounds and nucleic acids.

3. The present application specifically pertains to the site-specific delivery of biologically active agents from medical devices including the delivery of biologically active agents to blood vessel walls from medical devices, particularly cardiac stents. Biologically active agent-eluting cardiac stents are expected to significantly improve the

standard of care and treatment of coronary artery disease and aneurysms. The biologically active agent technology being developed by Medlogics Device Corporation to deliver these biologically active agents are applicable to a wide range of medical devices.

4. The inventors of the present methods and compositions for creating novel biologically active agent-eluting medical devices have made significant advances in the development of this technology. Those skilled in the art will appreciate that the ability to release biologically active agents locally from medical devices is a significant improvement in the art and will provide improved therapeutics for treatment of human disease.

5. The invention disclosed in the present patent application is a major asset of Medlogics Device Corporation.

6. As a small entity biotechnology company, Medlogics Device Corporation receives its research funding from private individuals and venture capital funds. The firm's intellectual property is the key asset on which this funding depends and therefore the firm's continued research funding for this important invention is dependent on the timely issuance of a United States Patent on the invention.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent.

Dated: 3/24/03



Louis C. Cullman  
Registration Number 39,645